

REMARKS

Claims 1, 7-11, 13-16 and 19 remain pending in the present application. Claims 10, 11, 13-16 and 19 are allowable. Claim 1 has been amended. Claim 5 has been cancelled. Basis for the amendments can be found throughout the specification, drawings and claims as originally filed.

CLAIM REJECTIONS UNDER 35 U.S.C. §103(a)

The Examiner has rejected Claims 1, 7 and 8 under 35 U.S.C. §103(a) alleging them to be unpatentable over Chiu further in view of Fantastic Vent Model 4000R brochure further in view of Milks' earlier patent (U.S. Patent No. 4,633,769) and also in view of Kottmann (U.S. Patent No. 3,030,145), McAvena (U.S. Patent No. 5,095,612) and Schmider (U.S. Patent No. 5,109,171).

Claim 1 has been amended. Claim 1 has been amended to further include the limitation of Claim 5. Claim 1, defines among other elements, a circulation device which includes a self standing housing and an electrical connection coupled with the motor. A rigid casing seals the motor and associated motor bearings. The rigid casing provides protection against damage from external forces. The rigid casing creates a liquid impermeable seal to enable the air circulation device to be subjected to highly pressurized fluids for cleaning the fan blade while preventing corrosion and preventing damage due to the liquid. The casing is made of a rigid, non-corrosive material such that is able to withstand external forces and pressures such as those exerted by the application of highly pressurized fluid.

The Examiner's combination fails to illustrate Applicant's invention.

The Chiu reference as conceded by the Examiner in the last Office Action, fails to illustrate seven features of Applicant's fan.

Applicant has previously stated that its own disclosure in the 4000R brochure as well as the '769 patent teach away from the claims that claim a rigid casing which seals the motor bearing and provides protection against damage from external force as well as a casing creating a liquid impermeable seal enabling the air circulation device to be subjected to highly pressurized fluids. In fact, both references illustrate a sensor that covers the fan when rain or precipitation is sensed. The Examiner indicates in his remarks, that the 4000R brochure sets forth that the automatic opening and closing feature is an option. The Examiner has failed to appreciate the alternative to the automatic opening and closing feature is that the fan cover is manually opened and closed. Thus, the fan cover is always closed when precipitation is present. Therefore, it is not anticipated that the cover is to be left open when moisture or rain is present.

Further, since both of these references are the Applicant's or Applicant's assignee, Applicant is clearly in possession of the knowledge as to whether or not the cover is to be open during rain or moisture. Clearly, if the Applicant states that the cover is to be closed, since it is the creator of both references, the Examiner need not speculate as to what the references show, since the Examiner has been told by the creator of the cited references what the references show.

Further, in the Examiner's remarks, he indicates that "the sealed motors of the 4000R and '769 have the ability of performing the intended use of the sealing of the motor but not discuss the degree or amount of sealing". As mentioned above, both of these references are Applicant's or its assignee. Accordingly, no one knows better than

the Applicant as to what is taught by the 4000R and '769 references. If Applicant states that the degree of sealing, as suggested by the Examiner, is in fact incorrect, the Examiner cannot question Applicant's position since the references are the Applicant's. No one knows more about whether or not its own references would provide sealing, as suggested by the Examiner, than Applicant. Accordingly, the Examiner cannot arbitrarily suggest something which is rebutted by the creator of the cited references. Accordingly, Applicant believes Claim 1 as well as dependent Claims 7, 8 and 9 to be patentably distinguishable over the art cited by the Examiner.

In light of the above amendments and remarks, Applicant submits that all pending claims are in condition for allowance. The Applicant respectfully requests the Examiner to pass the case to issue at his earliest possible convenience. Should the Examiner have any questions regarding the present application, he should not hesitate to contact the undersigned at (248) 641-1600.

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Respectfully submitted,

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